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7 DYNAMIC LEDGER SOLUTIONS, INC.

8 UNITED STATES DISTRICT COURT  
9  
10 NORTHERN DISTRICT OF CALIFORNIA

11 IN RE TEZOS SECURITIES LITIGATION

Master File No. 17-cv-06779-RS

12 CLASS ACTION

13 This document relates to:

14 ALL ACTIONS  
15

**DECLARATION OF KATHLEEN  
BREITMAN RE DISCOVERY DISPUTE  
CONCERNING ASSERTION OF  
MARITAL COMMUNICATIONS  
PRIVILEGE**

**FILED PURSUANT TO ORDER  
REGARDING DISCOVERY DISPUTE  
(ECF 232)**

Judge: Hon. Richard Seeborg  
Trial Date: Not yet set

**DECLARATION OF KATHLEEN BREITMAN**

I, Kathleen Breitman, hereby declare:

1. I am personally named as a defendant in this lawsuit and am the Chief Executive Officer for defendant Dynamic Ledger Solutions, Inc. (“DLS”). Except as otherwise stated, I have personal knowledge of the facts contained in this declaration. If called to testify, I could and would truthfully testify to these facts.

2. It is my understanding that my attorneys have withheld certain emails exchanged between my husband Arthur Breitman (“Arthur”) and me during the period of September 11, 2016 to September 18, 2018 (the “relevant period”) based on the marital communications privilege. I submit this declaration for this Court’s consideration in connection with the resolution of a discovery dispute over that privilege and pursuant to the Magistrate Judge’s July 15, 2019 Order Regarding Discovery Dispute (ECF 232).

3. Arthur and I originally met in 2010 and married three years later in New York City on December 19, 2013. We live together and enjoy a close, intimate relationship. Due to our close relationship as spouses, I regularly share information and thoughts with Arthur that I do not share with other people.

4. Arthur and I run DLS together. We are the company’s only officers, directors, and employees. Together, we hold a 90% stake in the company. There is one minority shareholder, Draper Associates V. Crypto LLC.

5. During the relevant period, Arthur and I communicated with each other through a variety of means, including our personal gmail accounts and email accounts associated with DLS that use the domain “tezos.com.” As to my gmail account, I am the sole user of that account; no one else has the password or can access it. As to the tezos.com account, during the relevant period, I understood that this account was private to me. It is my understanding that Arthur and one other person are listed as administrators with access privileges to my tezos.com email account but that neither of them actually accessed my tezos.com email account.

6. At all times, I expected and understood that emails that I exchanged with Arthur privately (*i.e.*, between the two of us only) would be kept confidential – regardless of whether those

1 communications took place over a tezos.com or gmail account. I believed that our tezos.com  
2 accounts were akin to personal accounts and treated them as such. Additionally, DLS, Arthur, and  
3 myself have never given any other person the right to access my electronic devices or my email  
4 communications with my husband, which I regard as confidential and privileged.

5 7. DLS does not have any corporate policies that restrict or otherwise impair the  
6 confidentiality of my communications with Arthur. For example, there is no company policy that  
7 bans the use of work email or work computers for personal use. Nor is there any policy that gives  
8 the company the right to access, view, seize, disclose or otherwise monitor my or Arthur's tezos.com  
9 email accounts or work computers. Given that Arthur and I run DLS together and are the  
10 company's sole employees, it never occurred to me that some third person would ever be entitled to  
11 view our private communications with each other.

12 8. Aside from our personal lawyers, I am not aware of any other person who has viewed  
13 or monitored my or my husband's gmail or tezos.com email accounts or materials on any computer  
14 used by us for DLS business. In fact, until this litigation arose, I was never notified or warned that  
15 my private communications with Arthur could conceivably be subject to disclosure to a third party.

16 9. Arthur and I frequently emailed and shared documents with each other over Google  
17 drive about matters relating to the Tezos project and fundraiser, to share our thoughts and seek  
18 feedback. Indeed, due to our busy work schedules and given that I traveled a fair bit during the  
19 relevant period, as I often do, I relied on email as a private communication channel I used to keep in  
20 touch with my husband. Among other things, we sometimes emailed each other about our  
21 interactions with other people and business matters. We also exchanged thoughts and edits for draft  
22 emails to third parties, drafts of public statements and other documents that had not been made  
23 public and might never be made public. We sometimes gossip, vent, express our frustration, seek  
24 each other's personal opinions, and joke around and send GIFs to one another. When Arthur and I  
25 communicated using email, I felt free to express myself in an unfiltered manner because I  
26 understood that our communication channel was private. I do not communicate in the same manner  
27 with business partners or others. I trusted Arthur's judgment as to when our communications could  
28 be forwarded to others or third parties could be added to our email chain. It would undermine the

1 privacy of our marital relationship and could cause embarrassment or misunderstandings for our  
2 private communications to be publicly disclosed.

3  
4 I declare under penalty of perjury under the laws of the United States that the forgoing is true  
5 and correct.

6 Executed this 23rd day of July 2019, at London, United Kingdom.

7  
8 By:   
9 Kathleen Breitman